

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**MATTHEW KING** §  
§  
§  
**Plaintiff,** §  
§  
**VS.** § **CIVIL ACTION NO. 4:12-cv-00341**  
§  
**EQUISTAR CHEMICALS, LP;** §  
**BENJAMIN FRANKLIN** §  
**WITHERS III M.D. and** §  
**TAKE CARE HEALTH SYSTEMS, LLC** § **USDJ: David Hittner**  
§ **USMJ: Stephen Wm. Smith**  
§  
**the Defendants.** § ***Jury Trial***

## EXHIBITS IN OPPOSITION

- T O -

**PLAINTIFF’S RESPONSE TO  
BENJAMIN FRANKLIN WITHERS III, M.D. AND TAKE CARE HEALTH SYSTEMS,  
LLC’S MOTION FOR COMPLETE SUMMARY JUDGMENT**

**- AND ALSO AS TO -**

**PLAINTIFF’S RESPONSE TO  
EQUISTAR CHEMICALS, LP’S MOTION FOR SUMMARY JUDGMENT**

**Table of Exhibits**

**No.    Description**

- |    |   |
|----|---|
|    | Declaration of Charles H. Peckham   |
| 1  | Internal Lyondell email regarding Matthew King's termination effective 8-20-10  |
| 2  | Deposition Excerpts of Matthew King   |
| 3  | Deposition Excerpts of Henry Muniz, M.D.  |
| 4  | Deposition Excerpts of Benjamin Franklin Withers III, M.D.  |
| 5  | *Matthew King's Lyondell Job Site Analysis for Condition Monitoring Analyst   |
| 6  | Article entitled Expert Panel Recommendations – Chronic Kidney Failure and Commercial Motor Vehicle Driver Safety dated 3-14-08 |
| 7  | Deposition Excerpts of Kimberly Stubbs  |
| 8  | Deposition Excerpts of Keith J. Hopkins   |
| 9  | Declaration of Deena Callender-Rodriguez  |
| 10 | E-Mail Exchange dated 3-17-10 and 3-18-10   |
| 11 | Declaration of Matthew King   |
| 12 | E-Mail Exchange dated 3-15-10 and 3-16-10   |
| 13 | *E-Mail Exchange dated 3-18-10  |
| 14 | *E-Mail Exchange dated 3-18-10  |
| 15 | *Matthew King's FMLA Request dated 2-17-10  |
| 16 | *E-Mail Exchange dated 3-24-10  |

- 17 E-Mail Exchange dated 4-20-10
- 18 \*E-Mail Exchange with attachment dated 4-5-10, 4-7-10 and 8-23-10
- 19 Withers Offer of Employment Letter from TCHS dated 10-7-09
- 20 \*Withers & TCHS Performance & Development Coaching

\* Filed Under Seal